

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Carlos Binford,

Case No. 3:19 CV 1039

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden Brigham Sloan,

Respondent.

Petitioner *pro se* Carlos Binford, a prisoner in state custody, filed a Petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1). This case was referred to Magistrate Judge Thomas Parker for a Report and Recommendation (“R&R”) under Local Rule 72.2. The R&R (Doc. 18) recommends this Court deny Binford’s Petition because his claims are voluntarily dismissed, procedurally defaulted, or meritless (*id.* at 1–2).

This Court reviews *de novo* those portions of the R&R to which objections are made. 28 U.S.C. § 636(b)(1). However, failure to file objections within the timeframe set forth in the statute constitutes a waiver of *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 153–55 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The deadline for objections has passed; Binford filed none. This Court has reviewed the R&R and finds it accurately states the facts and law. This Court therefore adopts the R&R in its entirety.

Accordingly, the Petition (Doc. 1) is dismissed. This Court further certifies an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 29, 2020